

Town Board Minutes

**Meeting
No. 18**

Regular Meeting

May 20, 2002

Town Board Minutes

May 20, 2002

Meeting No. 18

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 20th day of May 2002 at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
RICHARD ZARBO, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
GEORGE PEASE, ASSISTANT BUILDING INSPECTOR
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
SUZANNE BLANK, CLERK TYPIST

PERSONS ADDRESSING TOWN BOARD:

Brett, James, 659 Harris Hill Road, spoke to the Town Board on the following matters:

- Concerns about parking on Central Avenue in vicinity of Countryview Way.
- Questions about CARSTAR resolution not specifically addressing the issue of vehicles parked out side and parts stored outside.
- Questions about cell tower fees.
- Questions about the salary for Deputy Prosecutor.

Chowanec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

- Questions about the site plan for NEC Transit William LLC.

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matter:

- Asked the Supervisor to define the duties of the Town Attorney.
- Asked questions regarding outside counsel hired by the Town to defend the Tops assessment.

Howell, Gary, 48 Park Blvd., spoke to the Town Board on the following matter:

- Comments about site plan approval of NEC Transit/William LLC - questions about the number of signatures on a petition.
- Town Clerk's records do not contain a petition with 4,000 signatures.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

- Asked for an explanation of proposed building permit fees.
- Inquired about the installation of cell towers and the number of co-locators.
- Questions about Wehrle Commons ingress/egress.
- Inquired about Town's policy regarding meeting reports.
- Asked why "Unfinished Business" was discontinued on agendas.

Shoff, Nathan, 8 Windsor Ridge Drive, spoke to the Town Board on the following matter:

- Questions about resolutions to memorialize State Legislature regarding Congressional redistricting.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Asked the location of dumping permit for Ted Bednarski on Schwartz Road and Valerie Jurek on Broadway.
- Presented to Town Attorney an appeal of a FOIL request.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Comments about "Town Policy on Military Leave". He feels that it is not the responsibility of the Town to fund the salary of those called up to military service.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the minutes from the Joint Meeting of the Planning Board
and the Town Board Held May 6, 2002 and the Regular Meeting of the Town Board held on
May 6, 2002 be and are hereby approved

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

May 20, 2002

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ZARBO, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to repeal in its entirety, Section 30-4 of Chapter 30, Article I of the Code of the Town of Lancaster, entitled "Building permit fees for nonresidential construction.", and to enact in place thereof a Local Law of the Year 2002, entitled, "Building permit fees for nonresidential construction", designated as Section 30-4 of Chapter 30, Article I of said Code, which reads as follows:

PERMIT AND APPLICATION FEES

CHAPTER 30

**ARTICLE I
GENERAL FEES**

BUILDING PERMIT FEES FOR NONRESIDENTIAL CONSTRUCTION

Proposed

**LOCAL LAW NO. 3
2002**

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY REPEALING, IN ITS ENTIRETY, SECTION 30-4, OF CHAPTER 30, ARTICLE I OF THE CODE OF THE TOWN OF LANCASTER, ENTITLED "BUILDING PERMIT FEES FOR NONRESIDENTIAL CONSTRUCTION", AND REPLACING IT WITH A LOCAL LAW OF 2002 DESIGNATED AS CHAPTER 30, ARTICLE I, SECTION 30-4, ENTITLED "BUILDING PERMIT FEES FOR NONRESIDENTIAL CONSTRUCTION", OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

Section 1.

The Code of the Town of Lancaster is hereby amended by repealing Section 30-4 of Chapter 30, Article I of the Code, entitled "Building permit fees for nonresidential construction" and enacting in place thereof by Local Law No. 3 of the year 2002 the following.

§30-4.

Building permit fees for nonresidential construction.

- A.** New commercial construction: forty cents (\$0.40) per square foot.
- B.** Renovation of existing commercial: twenty-five (\$0.25) cents per square foot.
- C.** 1) Communication Towers - a fee of two thousand dollars (\$2,000) for a tower up to 150 feet and for height exceeding 150 feet an additional cost of forty dollars (\$40) per foot so exceeding 150 feet.
2.) Additions to communication towers or communication antennas for commercial use added to an existing building or structure a fee of two thousand dollars (\$2,000).
3.) Co-location of communication arrays or antennae on an existing tower or structure a fee of \$1,000 except on those towers situated on Town owned property from which the Town derives a co-location fee.
- D.** When effective. This Local Law shall take effect after mailing, filing and publication as required by Law.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law No. 3 of the Year 2002, which local law repeals in its entirety Section 30-4 of Article I of Chapter 30, Article I of the Code of the Town of Lancaster, entitled: "Building permit fees for nonresidential construction.", and enacts in place thereof a new Section 30-4 of the said Code, entitled "Building permit fees for nonresidential construction" will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:40 'clock P.M., Local Time, on the 3rd day of June, 2002, and that Notice of the Time and Place of such Hearing shall be published on May 23, 2002 in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of the proposed Local Law No. 3 for the Year 2002, entitled: "Building permit fees for nonresidential construction", for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 25 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted May 20, 2002, the said Town Board will hold a Public Hearing on the 3rd day of June, 2002, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2002, which Local Law repeals in its entirety, Section 30-4 of Chapter 30, Article I of the Code of the Town of Lancaster, entitled "Building permit fees for nonresidential construction", and enacts in place thereof a new Section 30-4 of Chapter 30, Article I, entitled: "Building permit fees for nonresidential construction" of the Code of the said Town, briefly described as follows:

"A Local Law which repeals Chapter 30-4, Chapter 30 of Article I of the Code of the Town of Lancaster, and enacts in place thereof a new Chapter 30-4, "Building permit fees for nonresidential construction."

"This Local Law will provide for an increase in the fees charged by the Town for the construction of or addition to communication towers."

A complete copy of this proposed Local Law of the Year 2002, entitled: "Building permit fees for nonresidential construction" and further designated as Chapter 30-4 of Chapter 30 Article I, of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

May 20, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Walnut Creek Subdivision, Phase II, Part IV within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated May 6, 2002 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Walnut Creek Subdivision, Phase II, Part IV be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 547 - Storm Sewers

P.I.P. No. 550 - Water Line

P.I.P. No. 551 - Pavement and Curbs

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

File: RPIP (P21)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, a Public Hearing was held on the 6th day of May, 2002, on the petition of David M. Snell/Carstar of Lancaster, for the rezone of certain property located at 6705 Transit Road, in the Town of Lancaster, New York for a change of zoning from CMS with collision repair restrictions to CMS with restrictions removed, and

WHEREAS, the Planning Board of the Town of Lancaster at its meeting held March 20, 2002, unanimously recommended approval of the rezone, and

WHEREAS, a SEQR review was completed on the proposed rezone and project on May 6, 2002, and a Negative Declaration issued, and

WHEREAS, a Notice of said Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

NOW THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a CMS with collision repair restrictions to CMS with collision repair restrictions removed:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 12, Section 12, Township 11, Range 6 of the Holland Land Company's Survey bounded and described as follows:

COMMENCING at a point in the west line of Lot 12, (centerline of Transit Road), 1018.00 feet southerly from the north line of Lot 12 (centerline of Wehrle Drive);

THENCE easterly parallel to the north line of Lot 12 a distance of 50.0 feet to the Point or Place of Beginning being the east line of Transit Road as presently laid out;

THENCE continuing easterly and parallel to the north line of Lot 12 a distance of 345.00 feet;

THENCE northwesterly at an interior angle of 60°16'36" a distance of 164.65 feet;

THENCE westerly and parallel with the north line of Lot 12 a distance of 265.00 feet to the east line of Transit Road;

THENCE southerly along the east line of Transit Road 143.00 feet to the Point or Place of Beginning, containing 1.02 acres more or less.

2. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 20th day of May, 2002;

3. That a certified copy thereof be published in the Lancaster Bee, on or before the 23rd day of May, 2002;

4. That Affidavits of Publication be filed with the Town Clerk; and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

May 20, 2002

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
DAVID M. SNELL/CARSTAR OF LANCASTER
6705 TRANSIT ROAD

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from a CMS with collision repair restrictions to CMS with collision repair restrictions removed:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 12, Section 12, Township 11, Range 6 of the Holland Land Company's Survey bounded and described as follows:

COMMENCING at a point in the west line of Lot 12, (centerline of Transit Road), 1018.00 feet southerly from the north line of Lot 12 (centerline of Wehrle Drive);

THENCE easterly parallel to the north line of Lot 12 a distance of 50.0 feet to the Point or Place of Beginning being the east line of Transit Road as presently laid out;

THENCE continuing easterly and parallel to the north line of Lot 12 a distance of 345.00 feet;

THENCE northwesterly at an interior angle of 60°16'36" a distance of 164.65 feet;

THENCE westerly and parallel with the north line of Lot 12 a distance of 265.00 feet to the east line of Transit Road;

THENCE southerly along the east line of Transit Road 143.00 feet to the Point or Place of Beginning, containing 1.02 acres more or less.

May 20, 2002

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 20th day of May 2002 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my hand and affixed the Seal of said Town this 20th day of May, 2002.

(S E A L)

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Highway Superintendent, by letter dated May 8, 2002, has requested the appointment of a seasonal employee in the Highway Department of the Town of Lancaster for the summer season of 2002, and

WHEREAS, this appointment is necessary due to excessive workload within the Highway Department.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual is hereby appointed to the position of seasonal employee for the summer season of 2002 in the Highway Department of the Town of Lancaster, with no benefits, effective May 20, 2002, at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Gregory Miller 40 Heritage Drive Lancaster, New York 14086	Laborer, seasonal	\$8.00 per hr.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, various renovations are required to rehabilitate Keysa Park and improve the recreational facilities available in the community.

NOW THEREFORE BE IT

RESOLVED that Robert H. Giza, as Supervisor of the Town of Lancaster, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or Title 3 of the Clean Water/Clean Air Bond Act, in an amount not to exceed \$350,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Lancaster for Keysa Park Renovations.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

file: rkeysa park

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WH:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated May 14, 2002, has recommended appointments for the Youth Bureau's 2002 Exam Preparation and Summer Programs.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to positions in the Youth Bureau's 2002 Exam Preparation and Summer Programs of the Town of Lancaster effective May 23, 2002 at the following rates:

<u>Name</u>	<u>Position</u>	<u>Rate</u>
Kathryn Seifert 18 Fifth Avenue Lancaster, New York	Tutor	\$10.00 hr.
Rachel Kennedy 59 Caswell Street Lancaster, New York	Tutor	\$15.00 hr.
Stephanie Martindale 4 Traceway Lancaster, New York	Tutor	\$15.00 hr.
John Armstrong 85 Kingston Place Buffalo, New York	Tutor	\$15.00 hr.
Jennifer Killinger 106 Palmdale Drive Williamsville, New York	Tutor	\$15.00 hr.
Todd Skobjuk 2432 Lake Mead Road Wheatfield, New York	Tutor	\$15.00 hr.
Lynn Dalfonso 60 Village View Lancaster, New York	Choreographer Summer Theatre Workshop	\$15.00 hr.
David Calire 4 Westbury Lane Lancaster, New York	Music Director/Accompanist Summer Theatre Workshop	\$15.00 hr.

Jilliam Scott
302 North Avenue
West Seneca, New York

Choreographer \$15.00 hr.
Summer Theatre Workshop

Kim Fornes
10264 Boston State Road
Springville, New York

Music Director/Accompanist \$15.00 hr.
Summer Theatre Workshop

Cheryl Glose
9 Country Place
Lancaster, New York

Technical Director \$15.00 hr.
Summer Theatre Workshop

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

File: Rpers.seasonal (P2-3)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER MONTOUR, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK. TO WIT:

WHEREAS, Ted Bednarski, 284 Schwartz Road, Lancaster, New York has applied for a Dumping Permit for property situated at 284 Schwartz Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Ted Bednarski, 284 Schwartz Road, Lancaster, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at 284 Schwartz Road, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and,

BE IT FURTHER

RESOLVED, that this permit is conditioned in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, broken concrete or asphalt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. The applicant should be aware that if he intends to build on any filled area, the foundation shall be extended to original soil.
3. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
4. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road. Driveway for hauling fill shall be stoned with #3 or #4 stone for 50' from the edge of Broadway.
5. Fill area shall be topsoiled and seeded.
6. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.

7. Dust from the site shall also be prevented from migrating off site.
8. Storm runoff shall be directed to the rear of the property and the roadside ditch. Appropriate swales shall be established along the side property lines.
9. Height of fill shall be no higher than 18" above the grade at the centerline of Schwartz Road.
10. The source of the fill material has been identified as the Broadway reconstruction project.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein expires one year from date of this resolution.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

File: RPERMIT.DUM(9-10)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the General Crew Chief, by letter dated May 15, 2002, has requested the appointment of seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the summer season of 2002, and

WHEREAS, these appointments are necessary due to previously appointed employees declining the positions.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the position of seasonal employees for the summer season of 2002 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Erin Fitzsimmons (new hire) 301 Lake Avenue Lancaster, New York	Recreation Attendant (Playground Attendant)	\$6.00 hr.
Kyle Krebs (new hire) 63 Burwell Avenue Lancaster, New York	Laborer	\$6.00 hr.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

File: Rpers.seasonal (P5)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR. TO WIT:

WHEREAS, a Public Hearing was held on the 4th day of February, 2002, on the petition of North Forest Development, for the rezone of certain property located at 2801 Wehrle Drive, in the Town of Lancaster, New York from a Residential District One (R1) to General Business (GB), for the purpose of constructing office buildings to be known as "Wehrle Commons", and

WHEREAS, a Notice of said Hearing was duly published and posted, and

WHEREAS, the Planning Board of the Town of Lancaster determined that the proposed use for office buildings is also a permitted use in the Residential Commercial Office (RCO) zoning classification, and

WHEREAS, the Planning Board of the Town of Lancaster at its meeting held January 16, 2002, unanimously recommended approval of the rezone with the condition that the zoning be changed from Residential District One (R1) to Residential Commercial Office (RCO), and

WHEREAS, a SEQR review was completed on the proposed rezone and project on February 4, 2002, and a Positive Declaration issued, and

WHEREAS, the Municipal Review Committee of the Town of Lancaster held an Informal Scoping Session on the proposed rezone and project on May 6, 2002 and unanimously recommended approval of a Negative Declaration was issued, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto, and

WHEREAS, the Town of Lancaster is also in compliance with the notice provisions of Section 264 of the Town Law of the State of New York;

NOW THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a Residential District One (R1) to Residential Commercial Office (RCO):

ALL THAT CERTAIN TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being Part of Lot 6, Section 12, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the center line of Wehrle Drive (54.75 feet wide) with the center line of Harris Hill Road (66 feet wide) being also the northeast corner of said Lot No. 6;

THENCE westerly along the north line of said Lot No. 6 and along the center line of said Wehrle Drive a distance of 769.22 feet to a point;

THENCE southerly along a line parallel to the west line of said Lot No. 6, 930.72 feet to a point in the north line of lands conveyed in Liber 5812 of deeds at page 26 and recorded in the Erie County Clerk's Office;

THENCE easterly along the north line of said Liber 5812 of deeds at page 26 and parallel to the north line of said Lot No. 6, 757.73 feet to a point in the east line of said Lot No. 6 and the center line of said Harris Hill Road;

THENCE northerly along the east line of said Lot No. 6 and the center line of said Harris Hill Road, 930.45 feet to the point or place of beginning.

Excepting and reserving therefrom that part of premises conveyed to the Erie County Highway Department for the reconstruction of Harris Hill Road, C.R. #57, Parcel #3, File SK-158-1, July 8, 1955.

2. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 20th day of May, 2002;

3. That a certified copy thereof be published in the Lancaster Bee, on or before the 23rd day of May 2002;

4. That Affidavits of Publication be filed with the Town Clerk; and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

May 20, 2002

File: rphrezoneorthforestdevelopment502

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
NORTH FOREST DEVELOPMENT (WEHRLE COMMONS)
2801 WEHRLE DRIVE

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from a Residential District One (R1) to Residential Commercial Office (RCO):

ALL THAT CERTAIN TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being Part of Lot 6, Section 12, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the center line of Wehrle Drive (54.75 feet wide) with the center line of Harris Hill Road (66 feet wide) being also the northeast corner of said Lot No. 6;

THENCE westerly along the north line of said Lot No. 6 and along the center line of said Wehrle Drive a distance of 769.22 feet to a point;

THENCE southerly along a line parallel to the west line of said Lot No. 6, 930.72 feet to a point in the north line of lands conveyed in Liber 5812 of deeds at page 26 and recorded in the Erie County Clerk's Office;

THENCE easterly along the north line of said Liber 5812 of deeds at page 26 and parallel to the north line of said Lot No. 6, 757.73 feet to a point in the east line of said Lot No. 6 and the center line of said Harris Hill Road;

THENCE northerly along the east line of said Lot No. 6 and the center line of said Harris Hill Road, 930.45 feet to the point or place of beginning.

Excepting and reserving therefrom that part of premises conveyed to the Erie County Highway Department for the reconstruction of Harris Hill Road, C.R. #57, Parcel #3, File SK-158-1, July 8, 1955.

May 20, 2002

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 20th day of May 2002 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my hand and affixed the Seal of said Town this 20th day of May, 2002.

(S E A L)

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York 14224, has heretofore applied for approval of a subdivision entitled Summerfield Farms, Phase Two, and

WHEREAS, the Planning Board and Town Engineer have given their approval to the filing of this Subdivision, and

WHEREAS, the Town Board of the Town of Lancaster has considered and reviewed the beforementioned project:

NOW, THEREFORE, BE IT
RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the subdivision known as Summerfield Farms, Phase Two, as filed by Pratt & Huth Associates, LLP, dated April 26, 2002 and received May 2, 2002.

2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

May 20, 2002

File: rsummerfieldfarmsfinalplat502

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER MONTOUR, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, Valerie Jurek, 6131 Broadway, Lancaster, New York has applied for a Dumping Permit for property situated at 6144-6152 Broadway, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Valerie Jurek, 6131 Broadway, Lancaster, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at 6144-6152 Broadway, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and.

BE IT FURTHER

RESOLVED, that this permit is conditioned in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, broken concrete or asphalt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. The applicant should be aware that if he intends to build on any filled area, the foundation shall be extended to original soil.
3. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
4. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road. Driveway for hauling fill shall be stoned with #3 or #4 stone for 50' from the edge of Broadway.
5. Fill area shall be topsoiled and seeded.
6. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.
7. Dust from the site shall also be prevented from migrating off site.
8. Storm runoff shall be directed to the rear (north) of the property. Appropriate swales shall be established along the side property lines.

9. Height of fill shall be no higher than 18" above the grade at the centerline of Broadway.
10. The source of the fill material has been identified as the Broadway reconstruction project.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein expires one year from date of this resolution.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

File: RPERMIT DUM(9-10)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER".

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 3rd day of June 2002, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before May 23, 2002, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

**LEGAL NOTICE
PUBLIC HEARING
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 20th day of May, 2002, the said Town Board will hold a Public Hearing on the 3rd day of June, 2002, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION STOPS;
YIELD INTERSECTIONS**

46-8.1 Stop Intersections designated, is hereby amended by adding thereto the following:

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
	<u>Walnut Creek Subdivision</u>	
Thomas Drive	Enchanted Forest North	S.W. Corner
	<u>The Meadows Subdivision</u>	
Thomas Drive	Fieldstone Lane	N.E. Corner

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**
Town Clerk

May 20, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, in the matter of the increase and improvement of facilities of the Lancaster Consolidated Water Districts 1, 2, 3, 4, 5, 7, 8 and all Extensions thereto, in the Town of Lancaster, in the County of Erie, New York, pursuant to Section 202-b of the Town Law.

WHEREAS, the Town Board of the Town of Lancaster (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, on behalf of the Lancaster Consolidated Water Districts 1, 2, 3, 4, 5, 7, 8 and all Extensions thereto, in the Town (herein called "District"), has requested engineers duly licensed by the State of New York (referred called "Engineers"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, including for the design and construction of the pump station and related facilities and all work ancillary thereto; and at the direction of the Town, the Engineers have completed and filed with the Town Board such preliminary map, plan and report, and have estimated the aggregate cost thereof to be \$1,100,000; to be financed by the issuance of obligations over a term not to exceed ten (10) years; and

WHEREAS, the Town Board has given due consideration to the impact that the increase and improvement of the facilities of the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, constituting Article 8 of the Environmental Conservation Law and, in connection therewith, the duly processed negative declaration and/or other applicable documentation has been filed in the office of the Town Clerk;

NOW, THEREFORE, BE IT

RESOLVED, that a meeting of the Town Board of the Town be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 3rd day of June, at 9 o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

BE IT FURTHER

RESOLVED, that the Town Clerk publish at least once in the "LANCASTER BEE", a newspaper hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

file: consolidated water districts

**LEGAL NOTICE
ORDER CALLING PUBLIC
HEARING TO BE HELD ON JUNE 3, 2002**

WHEREAS, the Town Board of the Town of Lancaster (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, on behalf of the Lancaster Consolidated Water Districts 1, 2, 3, 4, 5, 7, 8 and all Extensions thereto, in the Town (herein called "District"), has requested engineers duly licensed by the State of New York (referred called "Engineers"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, including for the design and construction of the pump station and related facilities and all work ancillary thereto; and at the direction of the Town, the Engineers have completed and filed with the Town Board such preliminary map, plan and report, and have estimated the aggregate cost thereof to be \$1,100,000; to be financed by the issuance of obligations over a term not to exceed ten (10) years; and

WHEREAS, the Town Board has given due consideration to the impact that the increase and improvement of the facilities of the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, constituting Article 8 of the Environmental Conservation Law and, in connection therewith, the duly processed negative declaration and/or other applicable documentation has been filed in the office of the Town Clerk;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 3rd day of June, at 9 o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in the "LANCASTER BEE", a newspaper hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

May 20, 2002

STATE OF NEW YORK)

:ss:

COUNTY OF ERIE)

I, JOHANNA M. COLEMAN, Town Clerk of the Town of Lancaster, in the County of Erie, New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 20th day of May, 2002, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 20th day of May, 2002.

(SEAL)

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, grant monies are available through the U.S. Justice Department COPS
Universal Hiring Program to support the employment of additional community police officers.

NOW, THEREFORE, BE IT
RESOLVED, as follows:

1. That Grantmakers Advantage, Inc., the Town's grant consultants, be authorized
and directed to complete the necessary application to be submitted to the United States Justice
Department for the purpose of securing this grant; and

2. That the Supervisor and Chief of Police be and hereby are authorized and directed
to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

file: rschoolresourceofficer

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously adopted a policy by Town Board resolution addressing the continuation of benefits including pay for those employees of the Town who are members of the Military Reserves and called to active duty, and

WHEREAS, the Town has reconsidered the policy as adopted and deems it appropriate to make an amendment to the policy to provide additional benefits to those reservists called to active duty in a "theater of operations" as defined by the military;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster amends the previously adopted policy for Military Reserves called to active duty by rescinding paragraph 3 (a) and 3 (b) of the policy and enacting in place thereof the following:

"3. Where the call up is to a theater of operations the following policy shall apply:

(a) Where the call up is for a ninety (90) day period or less in a calendar year the Town will provide for the continuing payment of full regular pay and shall also provide for the continuing accrual of benefits.

(b) Where the call up is for over ninety (90) days in a calendar year paragraph 3 (a) shall apply to the first ninety (90) days and from ninety-one (91) days thereon the following policy shall be effective:

(1) The employee will be permitted to use his accrued vacation, personal leave and compensatory time benefits to supplement his military pay by converting those benefits into pay to make up the difference between the military pay and the regular pay the employee would have received from the Town. In the case of a call up for over ninety (90) days there will be no continuing accrual of sick time, vacation or personal leave benefits, or extra pays, and

(2) Once accrued vacation, personal leave and compensatory time are exhausted by the employee the Town will then pay the difference between the military pay and the regular pay which the employee would have earned with the Town through the period ending six months after the thirty (30) day period provided under the Military Law."

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ZARBO, TO WIT:

WHEREAS, Clyde A. Mays Jr., 555 Erie Street, Lancaster, New York, d/b/a Mays Tree Service Inc., has submitted a Site Plan prepared by Ron Mays dated March 2002, and received April 30, 2002 for the construction of a 3,600 sq. ft. metal storage addition to be located at 73 Cemetery Road, in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and at its meeting May 15, 2002, has recommended approval of this project, and

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Clyde A. Mays Jr., prepared by Ron Mays dated March 2002 and received April 30, 2002 for the construction of a 3,600 sq. ft. metal storage addition located at 73 Cemetery Road, in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2001

PREFILED RESOLUTION NO. 18 - MEETING OF 5/20/02

Giza/ _____

Appoint Nicholas LoCicero Deputy Town Attorney [LoCicero, Nicholas] -also- Appoint Richard Sherwood Deputy Town Prosecutor Part Time [Sherwood, Richard]

At the request of Supervisor Giza, this resolution was withdrawn for further study.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER ZARBO. TO WIT:

WHEREAS, Donna Brehm was appointed by resolution January 22, 2002
to a full-time position as clerk typist in the Town Attorney's office, and

WHEREAS, Ms. Brehm actually started full-time work in that office on
January 2, 2002, and

WHEREAS, in order to properly effectuate commencement of benefits for
Ms. Brehm, the original resolution should be clarified regarding the actual start date;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby makes
the appointment of Ms. Brehm to the position of clerk typist as a permanent employee in the Town
Attorney's office effective as of January 2, 2002.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

File: rbrehm502

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION. SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 14210 to Claim No. 14497 Inclusive
Total amount hereby authorized to be paid: \$752,225.17

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit Applications be and are
hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

TABLED PERMIT:

Pmt #	Applicant Name	Address	Structure
8711	Voicestream Wireless	0 Penora St	Er. Com. Tower

NEW PERMITS:

9096	Marrano/Marc Equity	15 Apple Blossom Blvd	Er. Dwlg.-Sin.
9106	Zupkov, Edward	129 Theresa Dr	Er. Fence
9107	Aloisio, Adolfo	49 Woodgate Dr	Er. Shed
9108	Rich Pools Inc	33 Sagebrush Ln	Er. Pool-Abv Grnd
9109	Kolb, Jason	51 Holland Ave	Er. Fence (V/L)
9110	Rich Pools Inc	56 Michael's Walk	Er. Pool-Abv Grnd
9111	Beauty Pools Inc	18 Pinetree Dr	Er. Fence
9112	Beauty Pools Inc	18 Pinetree Dr	Er. Pool-In Grnd
9113	Baily, Allen	4 Trentwood Trl	Er. Fence
9114	Marran/Marc Equity	11 Apple Blossom Blvd	Er. Dwlg.-Sin.
9115	Duro-Shed Inc	5 Farmview Ct	Er. Shed
9116	Macpherson, Justin	2021 Como Park Blvd	Er. Fence (V/L)
9117	Expert Fence	3 Ravenwood Dr	Er. Fence
9118	Rich Pools Inc	229 Warner Rd	Er. Pool-Abv Grnd
9119	Hughesco	44 Lakeside Cres	Er. Res. Add. (V/L)
9120	Forbes Homes Inc	16 Windcroft Ln	Er. Dwlg.-Sin.
9121	Cumbo, Paul	25 Village View	Er. Shed
9122	Ehrenreich, Peter	88 Sawyer Ave	Dem. Garage (V/L)
9123	Ehrenreich, Peter	88 Sawyer Ave	Er. Garage (V/L)
9124	Decks Etc	61 Trentwood Trl N	Er. Deck
9125	Decks Etc	87 Michael's Walk	Er. Deck
9126	Ferry, Walter	4 Jillian Ln	Er. Dwlg.-Sin.
9127	Majestic Pools Inc	32 Old Post Rd	Er. Pool-In Grnd
9128	Duro-Shed Inc	6 Hidden Trl	Er. Shed
9129	Piskun, Richard	11 Spruceland Ter	Er. Shed
9130	Smith, David	427 Lake Ave	Er. Fence
9131	Duro-Shed Inc	219 Enchanted Forest N	Er. Shed
9132	Stearns, Joseph	933 Ransom Rd	Er. Comm. Bldg.

9133	Duro-Shed Inc	209 Nathan's Trl	Er. Shed	
9134	Hagen, Gerald II	17 Schiffler Ct	Er. Shed	
9135	Shields, Jeffrey	323 Aurora St	Er. Shed	(V/L)
9136	Faulhaber, David	59 First Ave	Er. Deck	(V/L)
9137	Booker, Jeffrey	432 Aurora St	Er. Porch Roof	
9138	Johnson, George	277 Ransom Rd	Er. Shed	
9139	Marrano/Marc Equity	15 Cedar Brook Dr	Er. Dwlg.-Sin.	
9140	Essex Homes of WNY	18 Fox Trace	Er. Dwlg.-Sin.	
9141	Borkowski, David	28 Schiffler Ct	Er. Pool-Abv Grnd	
9142	Borkowski, David	28 Schiffler Ct	Er. Deck	
9143	Adamberger, David	942 Townline Rd	Er. Pool-Abv Grnd	
9144	J Gun Enterprises Inc	62 Brady Ave	Er. Pool-Abv Grnd	(V/L)
9145	Swanson, John	13 Doris Ave	Er. Fence	(V/L)
9147	Dobbs, Jeffrey	418 Ransom Rd	Er. Garage	
9148	Forestream Village Inc	4725 Transit Rd	Er. Sign-Temp	
9149	Flaherty, Daniel	35 Chestnut Corner	Er. Shed	
9150	Iroquois Fence Co	27 Greenbriar Dr	Er. Fence	
9151	J & S Mechanical	21 Central Ave	Inst. Air Cond.	(V/L)
9152	House Crafters	4 Schiffler Ct	Er. Deck	
9153	Konieczko, Alan	371 Seneca Pl	Er. Res. Add.	
9154	Colucci, Lawrence	83 Heritage Dr	Er. Deck	
9155	All Around Fencing	7 Crawford St	Er. Fence	(V/L)
9156	Calamar Construction	14 Lancaster Pkwy	Er. Comm. Bldg.	
9157	Wierczorek, Matthew	3839 Walden Ave	Er. Res. Add.	
9158	Biller, Roy	4807 William St	Er. Fence	
9159	Holdsworth, Keith	86 Aurora St	Er. Res. Alt.	(V/L)
9160	Iroquois Fence	10 Northbrook Ct	Er. Fence	
9161	Edwards, Richard	104 Woodlawn Ave	Er. Fence	(V/L)
9162	Classic Fence	33 Hill Valley Dr	Er. Fence	
9163	Pioneer Properties Co	480 Aurora St	Er. Sign-Temp	
9164	Iroquois Fence	137 Nathan's Trl	Er. Fence	
9165	Merle A Harvey Inc	190 Nathan's Trl	Er. Shed	
9166	Wojtkiewicz, Mark	18 Pinetree Dr	Er. Shed	
9167	Tobolski, Kenneth	43 Trentwood Trl N	Er. Fence	
9168	Rich Pools	49 Steinfeldt Rd	Er. Pool-Abv Grnd	
9169	Ryan Homes	10 Parkedge Dr	Er. Dwlg.-Sin.	
9170	Duro-Shed Inc	6 Wendtworth Ct	Er. Shed	
9171	SW Kauschinger, Joseph	241 Ransom Rd	Er. Dwlg.-Sin.	
9172	Schuster Construction	34 Woodlawn Ave	Repl. Front Porch	(V/L)
9173	Striet, George	7 Village View	Er. Shed	
9174	Iroquois Fence Co	31 Traceway	Er. Fence	
9175	Dodge, Mark	123 Garfield St	Er. Res. Add.	(V/L)
9176	Capital Fence	24 Parkdale Dr	Er. Fence	
9177	Franger, Duvid	5689 Broadway	Er. Res. Add.	

9178	Expert Fence	5340 Broadway	Er. Fence	(V/L)
9179	Sergi, Billie Jean	71 Irwinwood Rd	Er. Deck	(V/L)
9180	Duro-Shed Inc	64 Michael's Walk	Er. Shed	
9181	Richard D. Kasperek	38 Heritage Dr	Er. Pool-Abv Grnd	
9182	KCM Custom Built	2099 Como Park Blvd	Er. Garage	(V/L)
9183	Buffalo Pools	20 Rue Madeleine Way	Er. Pool-Abv Grnd	
9184	Pohle, James	5 Trentwood Trl	Er. Shed	
9185	Swimco Mfg	8 Sussex Ln	Er. Pool-In Grnd	
9186	American Fence	8 Sussex Ln	Er. Fence	
9187	Swimco Mfg	11 Whitestone Ln	Er. Pool-In Grnd	
9188	American Fence	11 Whitestone Ln	Er. Fence	
9189	DDM Building System	354 Westwood Rd	Er. Pole Barn	
9190	Sobieski, Stephen	28 Hinchey Ave	Er. Garage	(V/L)
9191	Wilkowski, Robert	53 Camner Ave	Er. Fence	(V/L)
9192	SW Galuszka, William E	118 Peppermint Rd	Er. Dwlg.-Sin.	
9193	Forbes Homes	13 Thomas Dr	Er. Dwlg.-Sin.	
9194	Forbes Homes	2 Nottingham Ln	Er. Dwlg.-Sin.	
9195	Forbes Homes	11 Thomas Dr	Er. Dwlg.-Sin.	
9196	R & D Contracting	22 Stony Brook Dr	Er. Deck	
9197	Marrano/Marc Equity	49 Hill Valley Dr	Er. Dwlg.-Sin.	
9198	Marrano/Marc Equity	41 Hill Valley Dr	Er. Dwlg.-Sin.	
9199	Marrano/Marc Equity	43 Hill Valley Dr	Er. Dwlg.-Sin.	
9200	Buza, Robert	3523 Walden Ave	Er. Deck	(V/L)
9201	SBA Communications	69 Cemetery Rd	Er. Com. Tower	
9202	Majestic Pools Inc	6 Hunters Dr	Er. Pool-In Grnd	
9203	Majestic Pools Inc	6 Hunters Dr	Er. Fence	
9204	Yochum, J	3609 Bowen Rd	Er. Deck	
9205	Siller, Kenneth	18 Clermont Ct	Er. Shed	
9206	Majestic Pools Inc	703 Pleasant View Dr	Er. Pool-In Grnd	
9207	Creative Fence Co Inc	703 Pleasant View Dr	Er. Fence	
9208	Duro-Shed Inc	21 Stream View Ln	Er. Shed	
9209	Marrano/Marc Equity	21 Apple Blossom Blvd	Er. Dwlg.-Sin.	
9210	SW Powell, Nathan	5636 William St	Er. Dwlg.-Sin.	
9211	Iroquois Fence Inc	6 Michael Anthony Ln	Er. Fence	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 20, 2002

File:Rbldg2

COMMUNICATIONS & REPORTS:

547. Town Clerk to Town Board -
Transmittal of Clerk's Monthly Report for April 2002. DISPOSITION = Received and Filed
548. NYS DEC to Interested Citizen -
Update on the Pfohl Brothers Landfill clean-up operation. DISPOSITION = Received and Filed
549. Town Attorney to NYS DOT -
Letter outlining concerns of the Town Board regarding the intersection of Central Avenue and Walden Avenue. DISPOSITION = Received and Filed
550. Town Attorney to Eric County Public Works Dept., County Attorney -
Letter outlining concerns of the Town Board regarding the intersection of Central Avenue and Walden Avenue. DISPOSITION = Received and Filed
551. NYS DOT to Town Attorney -
Response to Town Attorney's letter of April 19, 2002 regarding the intersection of Central Avenue and Walden Avenue. DISPOSITION = Received and Filed
552. Adelphia to Town Clerk -
Letter regarding the inclusion of the YES network on basic cable systems. DISPOSITION = Received and Filed
553. Chief of Police to Supervisor, Chairperson of Safety Committee -
Request for ordinance for stop signs at the intersections of Thomas Drive and Enchanted Forest North and Thomas Drive and Fieldstone Lane. DISPOSITION = Resolution 5/20/02
554. Bowmansville VFA, Assistant Chief to Planning Board Chairman -
Comments regarding the site plans for The Garden Place Hotel and Schmitt's Garage. DISPOSITION = Planning Committee
555. Bowmansville VFA, Assistant Chief to Planning Board Chairman -
Comments regarding the site plan for Tim Horton's Coffee and Baked Goods Restaurant. DISPOSITION = Planning Committee
556. Chief of Police to Town Board -
Notice of approval from Police Department for the final plat for Summerfield Farms Subdivision, Phase Two. DISPOSITION = Planning Committee
557. Chief of Police to Planning Board Chairman -
Notice of approval from Police Department for the site plan for the proposed law office at 5813 Broadway. DISPOSITION = Planning Committee
558. Chief of Police to Planning Board Chairman -
Notice of approval from Police Department for the site plan for May's Tree Service Inc. 73 Cemetery Road. DISPOSITION = Planning Committee
559. Chief of Police to Planning Board Chairman -
Notice of approval from Police Department for the site plan for Wal-Cem Realty Corp. 4039 Walden Avenue. DISPOSITION = Planning Committee
560. Renaldo & Myers, P.C., Attorneys to Supervisor =
Request to place rezone petition of North Forest Development (Wehrle Commons), 2801 Wehrle Drive, on agenda of Town Board. DISPOSITION = Resolution 5/20/02
561. Highway Superintendent to Town Board -
Request resolution for appointment of a seasonal employee. DISPOSITION = Resolution 5/20/02
562. Executive Director, Lancaster Opera House to Supervisor, LIDA -
Letter of appreciation for grant for HVAC project for the Opera House. DISPOSITION = Received and Filed

563. Association of Erie County Governments to Town Board -
Notice of meeting on Thursday, May 23, 2002, 6:00 PM, at Burchfield Nature and Art Center. DISPOSITION = Received and Filed
564. Pasquale Frisina to Supervisor -
Letter of appreciation for assistance from Building Inspector in correcting an electrical problem in residence. DISPOSITION = Received and Filed
565. NYS DOT to NYS Assemblyman Paul Tokasz -
Letter updating status of grant application for the Heritage Trail, Phase I. DISPOSITION = Received and Filed
566. Coordinator, Erie County Office of Solid Waste to County Legislature and Municipal Officials -
Notice of Computer Recycling Drop-Off Day to be held May 25th at ECC North Campus and June 29th at ECC South Campus. DISPOSITION = Received and Filed
567. Building Inspector to Town Board -
Comments regarding Building Permit #09113 for a fence at 4 Trentwood Trail. DISPOSITION = Town Attorney
568. NYS DOT to Dr. K. Kent Chevli -
Results of traffic study on Genesee Street, Route 33. DISPOSITION = Received and Filed
569. County Executive to Erie County Cities, Towns, and Legislators -
Notification of overhauling the County payroll, human resources, finance and procurement systems. DISPOSITION = Received and Filed
570. Erie County Real Property Director to Erie County Receivers/Collectors -
Letter outlining In Rem Local Municipality Notification policy. DISPOSITION = Received and Filed
571. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -
Notice of approval from the Town Forestry Department for the site plan of May's Tree Service Inc. and Wal-Cem Realty Corporation and request for changes in the site plan of Brown, Chiari, Cupazzi, Fiascogna Law Office. DISPOSITION = Planning Committee
572. David Snell, Carstar to Town Board -
Response to comments made at the public hearing for the proposed facility at 6705 Transit Road. DISPOSITION = Planning Committee
573. Council Member Zarbo to Town Board -
Response to letter of May 10, 2002 from Building Inspector Simme. DISPOSITION = Received and Filed
574. Executive Director, Depew-Lancaster Boys & Girls Club to Town Board -
Request permission to hold 10K race in Town on Thursday, July 4, 2002. DISPOSITION = Police Chief
575. Ted & Lisa Kulikowski to Planning Board Chairman -
Recommendation to deny rezone petition of 59, 63, & 67 Belmont Avenue. DISPOSITION = Planning Committee
576. Twin District Fire Company to Town Clerk -
Request for change in membership roster. DISPOSITION = Resolution 5/20/02
577. Scajaquada Creek Watershed Advisory Council to Village of Depew, Town of Lancaster -
Notice of Scajaquada Creek cleanup on Saturday, May 18, 2002. DISPOSITION = Received and Filed

578. NYS DOT to Town Board -
Notice of order of change of speed limit regulations on a portion of Route 33.
DISPOSITION = Received and Filed
579. Town Clerk, Town of Boston to Town Board -
Resolution adopted by the Boston Town Board requesting US Route 219 be designated a scenic byway. DISPOSITION = Received and Filed
580. Highway Superintendent to Planning Board Chairman -
Notice of approval from Town Highway Department for the site plan of Brown, Chiari, Capazzi, Fiascogna Office facility. DISPOSITION = Planning Committee
581. Highway Superintendent to Planning Board Chairman -
Notice of approval from Town Highway Department for the site plan of Wal-Cem Realty Corporation. DISPOSITION = Planning Committee
582. Planning Board to Town Board -
Recommendation to approve site plan for Wal-Cem Realty Corporation with conditions.
DISPOSITION = Planning Committee
583. Planning Board to Town Board -
Recommendation to approve site plan for May's Tree Service. DISPOSITION = Planning Committee
584. Planning Board Chairman to Planning Board Members, Town Board, Town Engineer, Deputy Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held May 15, 2002. DISPOSITION = Received and Filed
585. Gary S. Howell to Zoning Board Members, Town Board Members -
Comments and concerns regarding variance requests for NEC William Street and Transit Road. DISPOSITION = Planning Committee
586. Paul Welker to Chief of Police, Police Officers -
Letter of appreciation for the Civilian Police Academy program. DISPOSITION = Received and Filed
587. Fire Chief, Town Line VFD to Supervisor -
Notice of impending live burn exercise on May 25, 2002 at 3979 Walden Avenue.
DISPOSITION = Received and Filed
588. Special Events Director, Village of Lancaster to Supervisor -
Request for Town to be major sponsor of Village of Lancaster Events.
DISPOSITION = Supervisor
589. Community Planning Director, Erie County to Supervisor -
Notice of renewal of Local Cooperation Agreement for additional three years.
DISPOSITION = Received and Filed
590. Director of Engineering, Erie County to Supervisor -
Notice of Pre-Letting Meeting regarding Ransom Road bridge replacement on May 17, 2002. DISPOSITION = Received and Filed
591. Director of Engineering, Erie County to Supervisor -
Notice of advertising and receiving of bids for Ransom Road bridge replacement.
DISPOSITION = Received and Filed
592. Director of Engineering, Erie County to Supervisor -
Notice of advertising and receiving of bids for Contractor Placed Pavement - North Contract in Towns of Alden, Amherst, Cheektowaga, Clarence, Grand Island, Lancaster, and Marilla. DISPOSITION = Received and Filed

593. Director of Engineering, Erie County to Supervisor -

Notice of Pre-Letting Meeting regarding Contractor Placed Pavement - North Contract in Towns of Alden, Amherst, Cheektowaga, Clarence, Grand Island, Lancaster, and Marilla on May 15, 2002. DISPOSITION = Received and Filed

594. Governor, New York State to Supervisor -

Announcement of modifications to NYS building codes. DISPOSITION = Received and Filed

595. NYS Office for the Aging to Supervisor -

Enclosure of executed copy of contract for Grant-in-Aid Program. DISPOSITION = Received and Filed

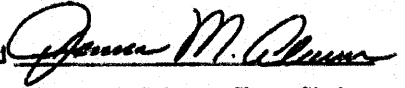
596. FEMA to Roy Schneggenburger -

Response to Mr. Schneggenburger's letter of January 30, 2002 requesting technical and/or scientific data for Scajaquada Creek. DISPOSITION = Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL MEMBER ZARBO AND CARRIED, the meeting was adjourned at 9:40 P.M. in memory of Patrick McCarthy, 43 Northwood Drive.

Signed



Johanna M. Coleman, Town Clerk